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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

In the Matter of

RAYMOND CASUGA ,

Debtor(s).

19-15117-B-13F

Chapter 13

DC DRJ-2

Date: April 1, 2020

Time: 9:30 a.m.

Department B, Judge Lastreto

Courtroom 13, Fifth Floor

2500 Tulare St. Fresno, California

**MOTION FOR CONFIRMATION
OF FIRST MODIFIED CHAPTER 13 PLAN DATED February 6, 2020**

The Debtor hereby moves for the entry of an order confirming the First Modified Chapter 13 Plan that was filed concurrently with this motion. This motion is made and based on the Plan, on the Declaration in Support of the Plan that the Debtor is filing and serving concurrently herewith, on the contents of the Debtor's Schedules and Statement of Affairs including any amendments thereto, and on the testimony of the Debtor at the creditors meeting. In support of this motion, the Debtor alleges and cites:

1. This case was commenced by the filing of a voluntary petition for relief under Title 11 U.S.C. Chapter 13 on December 8, 2019.

2. The Debtor filed the above captioned Chapter 13 case for the good faith purpose of paying secured and priority unsecured claims and, to the extent of ability, paying non-priority unsecured claims. It became evident that the originally proposed plan was not confirmable.

1 3. The Amended Schedules and Forms 122 C filed concurrently with this
2 motion accurately reflect the Debtor's medical expenses and additional housing costs.

3 A. The Plan payment will be as actually paid for plan months 1 and
4 each month \$2233.00 for plan months 2 to 60.

5 B. The First Modified Plan provides for the payment of Debtor's
6 scheduled priority claims totaling \$85,169.55.

7 D. Debtor's attorney's additional fees subject to prior court approval
8 of \$6500.00 shall be paid through the plan.

9 4. The plan complies with the provisions of Chapter 13 and any other
10 applicable provisions of the Bankruptcy Code.

11 5. There are no unpaid fees, charges or amounts required to be paid under
12 Chapter 13 of Title 28 or by the modified plan prior to confirmation.

13 6. The Debtor has proposed the plan in good faith and not by any means
14 forbidden by law within the meaning of Section 1325(a)(3).

15 7. The modified plan provides for a minimum distribution to holders of
16 non-priority unsecured claims equal to 13% of the allowed amount of the claim, rather
17 than 15.0% under the originally proposed plan.

18 8. As evidenced by the Amended Schedules I and J that are being filed and
19 served concurrently with this motion, the Debtor is able to make the payments required by
20 the modified plan.

21 9. Based on the foregoing, the Debtor respectfully requests that the Court
22 confirm the First Modified Chapter 13 Plan, dated February 6, 2020.

23 Dated: February 7, 2020
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25
26 /s/ David R. Jenkins
 David R. Jenkins, Attorney for Debtor(s)